

Removal of Sediment Behind Tidegates ¹ GA in Current Div. 89 Rule	Alternative “Coverage” If GA is Deleted
<p>Allows removal and disposal of sediment behind tidegates under certain conditions.</p> <p>For naturally(?) and artificially created drainage ditches².</p> <p>Ditches must be within “hydraulically closed”³ perimeters.</p> <p>Sand and silt only. Can’t remove gravel.</p> <p>Amount of removal is limited to “minimum amount necessary” to remove “recently deposited” material.</p> <p>Allows thin layer disposal of sediment in adjacent farmed wetlands⁴.</p> <p>Notice-based approval.</p>	<p>Exemption: Maintenance of Water Control Structures (OAR 141-085-0530 (4)):</p> <ul style="list-style-type: none"> • Includes tidegates. • Includes maintenance of drainage and irrigation ditches behind tidegates w/o the “hydraulically closed” requirement. • Does not include natural waterways that have been manipulated (e.g., “ditched”).
	<p>Exemption: Agricultural Drainage Ditch Maintenance (141-085-0535 (7)):</p> <ul style="list-style-type: none"> • Augments the water control structure exemption above by allowing disposal of sediment in “converted” wetlands.⁵
	<p>General Permit: Maintenance Drainage (OAR 141-093-0220, <i>et seq.</i>):</p> <ul style="list-style-type: none"> • Up to 100 cubic yards removal per year. • Removal may be from ditch or a stream (including designated ESH). • Allows disposal in converted wetlands.
	<p>ODA: Agricultural Drainage Channel Maintenance (OAR 603-095-4000 <i>et seq.</i>):</p> <ul style="list-style-type: none"> • Created by HB 2437 (2019); administered by ODA, not DSL. • For the maintenance of channels (ditches or streams) used for agricultural drainage. • Channels must be routinely maintained to facilitate draining related to agriculture and could provide drainage in the last five years. • Channels must be dry at the time of work (legislation requires development of separate process for work “in the wet”). • Not allowed in designated ESH streams. • Allows up to 3,000 cubic yards removal per linear mile over the 5-year approval period. • Notice-based approval. • Program phased in across Oregon over 4 years.

Historic Use of the Tidegate GA:

- In the last 10 years, the “Tidegate GA” has been applied for 4 times.
- The “Tidegate GA” has not been applied for at all in the last three years.
- Users in the last 10 years include two Coos County landowners; Intl. Port of Coos Bay; and Lake Oswego Corporation.

Definitions:

1 “Tidegate” means a hinged door on the end of a culvert that is used to control the flow of water between a tidewater area and a diked-off, drained area. It typically allows outward flow of water from the diked lands into the tidewater, but limits the amount of tidewater that can enter the diked lands.

2 “Drainage ditch” means a manmade water conveyance channel used to remove water from land. A manipulated stream (i.e., straightened, deepened, etc.) is not a ditch.

3 “Hydraulically closed perimeter” means all water flow to the surrounding watershed is controlled by pumps.

4 “Farmed wetland” is an undefined term in administrative rule. It is assumed to mean an area of land in some form of agricultural use that still meets the definition of a “wetland”.

5 “Converted wetland” means wetlands that were brought into agricultural management before June 30, 1989.